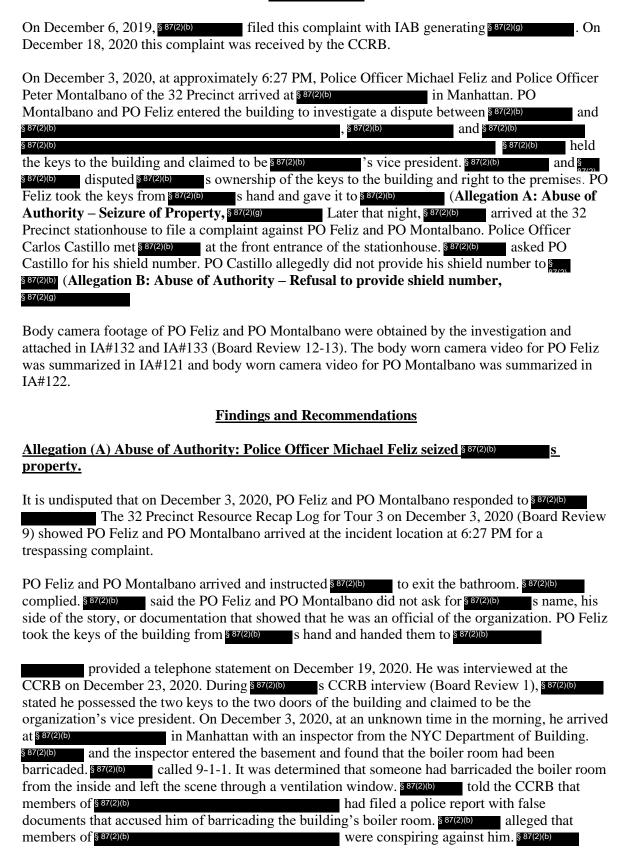
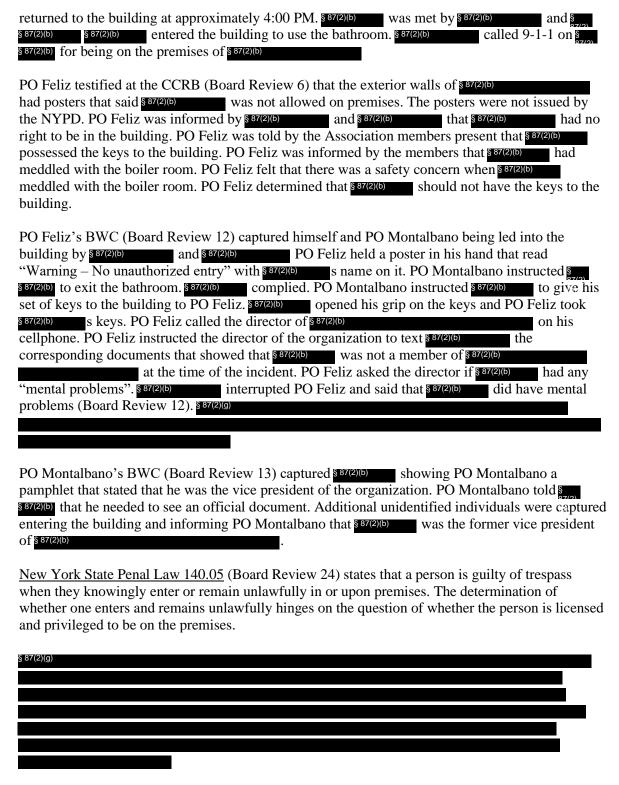
CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	☐ Force	☐ Discourt.	☐ U.S.
Jeffrey Tsui		Squad #15	201910825	☑ Abuse	O.L.	☐ Injury
Incident Date(s)		Location of Incident:		Precinct:	18 Mo. SOL	EO SOL
Tuesday, 12/03/2019 6:27 PM, 12/03/2019 7:00 PM	Tuesday,	32nd Precinct stations 87(2)(b) 10027	nouse NY, New York	32	6/3/2021	1/18/2022
Date/Time CV Reported		CV Reported At:	How CV Reported	Date/Time	Received at CCI	RB
Fri, 12/06/2019 9:56 AM		IAB	Phone	Wed, 12/1	8/2019 11:29 AM	Л
Complainant/Victim	Type	Home Add	ress			
Witness(es)		Home Adda	ress			
Subject Officer(s)	Shield	TaxID	Command			
1. POM Carlos Castillo	19775	943064	032 PCT			
2. POM Michael Feliz	14674	966050	032 PCT			
Witness Officer(s)	Shield N	lo Tax No	Cmd Name			
1. POM Peter Montalbano	19486	953129	032 PCT			
Officer(s)	Allegati	on		Inve	stigator Recon	nmendation
A.POM Michael Feliz	Abuse: At § 87(2)(b) in Manhattan, Police Officer Michael Feliz seized § 87(2)(b) s property.					
B.POM Carlos Castillo	Abuse: At the 32nd Precinct stationhouse, Police Officer Carlos Castillo refused to provide his shield number to \$87(2)(b)					

Case Summary





<u>USCS Const. Amend. 14</u> (Board Review26) states that "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

McClendon v. Rosetti. (Board Review 27) states that "persons from whose possession money or property, other than contraband, has been taken or obtained, though such money or property was not related to any criminal proceeding, or, if it was so related, such criminal proceedings had been terminated, or if the money or property had been needed as evidence in a criminal proceeding, it was no longer needed for that purpose, as violative of the due process clauses of the fifth and fourteenth amendments."

<u>Patrol Guide Procedure No. 214-13</u> (Board Review 23) states that the role police officers are to take in situations related to an ongoing civil dispute. The only role police officers are to have in such circumstances is the preserve the peace and to prevent the commission of crime. In the case of this complaint, where there is a complicated ongoing civil dispute, the Patrol Guide states that police officers are not to take enforcement action. The responsibility of executing a warrant of eviction is the sole responsibility of city marshal/sheriff. <u>Patrol Guide Procedure No. 214-13</u> states that even in situations where police officers are requested to assist in the execution of an eviction warrant or other civil process, police officers are to respond to the location, examine identification of city marshal/sheriff and if eviction is involved, examine warrant.

Allegation (B) Abuse of Authority: Police Officer Carlos Castillo refused to provide his shield number to \$87(2)(b)
It is undisputed that on December 3, 2020 \$87(2)(b) spoke with PO Castillo. \$87(2)(b) traveled to the 32nd Precinct stationhouse with the intention of filing a complaint against PO Feliz and PO Montalbano
During \$37(2)(b) s CCRB interview on December 23, 2020, \$37(2)(b) stated that spoke with Police Officer Carlos Castillo at the entrance of the stationhouse. \$37(2)(b) asked (Board Review 1) PO Castillo, "Sir, I would like your badge number and the badge numbers of the other two officers." PO Castillo told \$37(2)(b) "I cannot give you that information." \$37(2)(b) asked PO Castillo for PO Feliz and PO Montalbano's shield numbers again. PO Castillo repeated his answer, "I cannot give you that information." \$37(2)(b) asked PO Castillo again for the shield number of PO Castillo, PO Feliz and PO Montalbano. PO Castillo did not provide the shield number of himself or that of PO Feliz and PO Montalbano. PO Castillo did not give a reason to \$37(2)(b) as to why he could not provide his shield number to \$37(2)(b)
PO Castillo testified at the CCRB on February 25, 2020. He stated that on December 3, 2020, street

\$87(2)(b) that told \$87(2)(b) Castillo's informathere. PO Casti \$87(2)(b) asket gave \$87(2)(b)	he would have to go to that his keys were retu mation. PO Castillo ge llo provided \$37(2)(5) ed PO Castillo for the i the names of the two	ey dispute was a landlord-tenant in Landlord-Tenant Court to resolute to the owner of the building estured to his shield and told say(2). In his business card and a pen to we dentification of PO Feliz and PO police officers. PO Castillo did in Iontalbano because he did not known.	we the dispute. PO Castillo asked for PO that his information is write down his identification. Montalbano. PO Castillo ot provide \$\frac{8}{5}(2)(6)\$ the
§ 87(2)(g)			
		n and Officer CCRB Histories	
PO FellomplaPO Cas	iz has been a member ints. stillo has been a member ses with six allegations	has been has been of the service for two years and her of the service for thirteen years, none of which were substantiated tion, Civil and Criminal Histor	as no other CCRB and has been a subject in ed. §87(2)(9)
• § 87(2)(b)	declined to mediat	e his complaint	
	§§ 86(1)(3)&(4)] [§ 87(2)(c)]	e ins complaint.	
• \$87(2)(b) violated Review	d and seeking 25,000.0	Claim with the City of New York 00 as redress. There is no 50H hea	
Squad No.:	15		
Investigator:	Jeffrey Tsui	Inv. Jeffrey Tsui	08/19/2021
	Signature	Print Title & Name	Date
Squad Leader:	Signature Signature	IM Simon Wang Print Title & Name	11/12/21 Date
Reviewer:	Signature	Print Title & Name	 Date